REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 1-38 were in the application, claims 1-28 have been cancelled and new claims 39-48 presented.

Claims 1-15 were in the application, claims 16-38 having been withdrawn in response to a restriction requirement. All of claims 1-38 have now been cancelled, without prejudice, and new claims 39-48 substituted for claims 1-15.

Claims 1-15 were rejected under 35 USC 112, second paragraph as being indefinite for various deficiencies. The rejection has been rendered moot by the cancellation of these claims.

Claims 1-15 were rejected as being obvious over U.S. Patent no. 6,363,117 in view of U.S. Patent no. 5,801,778.

In order to uphold a finding of obviousness, there must be some teaching, suggestion or incentive for doing what the applicant has done. ACS Hospital Systs. Inc. v. Montefiori Hospital, 723 F.2d 1572 (Fed. Cir. 1984). "Both the suggestion and the expectation of success must be found in the prior art, not in the applicant's disclosure." In re Dow Chemical Co., 837 F.2d 469 (Fed. Cir. 1988).

To establish a prima facie case of obviousness based on a combination of references, there must be some teaching, suggestion or motivation in the prior art to make the specific combination that was made by the applicant. In re Raynes, 7 F.3d 1037, 1039, 28 U.S.P.Q.2d 1630, 1631 (Fed. Cir. 1993); In re Oetiker, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992). Obviousness can not be established by hindsight combination to produce the claimed invention. In re Gorman, 933 F.2d 982, 986, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991). As discussed in Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 U.S.P.Q. 543, 551 (Fed. Cir. 1985), it is the prior art itself, and not the applicant's achievement, that must establish the obviousness of the combination.

The cited patents do not teach or suggest the present invention.

U.S. Patent no 6,363,117 admittedly fails to perform both the local and global vector

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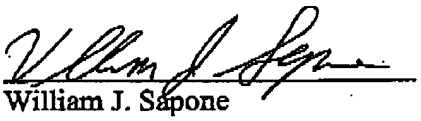
activity as specified in claim 39. Further, the specific small diamond pattern is not used in either reference cited nor are prejudgments made on no motion blocks, all features which assist in increasing the speed of motion estimation.

As there is no teaching or suggestion in the combination for performing that particular steps of the method of claim 39, claim 39 and the claims depending therefrom are not rendered obvious in view of these references.

Based on the above amendments and remarks, favorable consideration and allowance of the application are respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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